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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventeenth session

SUMMARY RECORD OF THE PUBLIC PART*
OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 December 1997, at 3 p.m.

Chairperson: Mr. GRISSA

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* The summary record of the closed part of the meeting appears as document E/C.12/1997/SR.49/Add.1.

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Luxembourg (continued) (E/1990/6/Add.9; HRI/CORE/1/Add.10; E/C.12/Q/LUX.1; in-session document with no symbol containing the replies of the Government of Luxembourg to questions raised in the list of issues)

1. At the invitation of the Chairperson, Mr. Consbruck, Mrs. Kries, Mr. Wagner, Mr. Zahlen and Mr. Duhr took places at the Committee table.

Article 12

2. Mr. CONSBRUCK (Luxembourg), replying to questions asked by Committee members at the previous meeting, said that gerontology was not as yet an officially recognized speciality in Luxembourg, where the proportion of older persons was nevertheless increasing. The Government would endeavour to deal with that problem and limit the hospitalization of older persons or their placement in retirement homes by pursuing a policy to prevent dependency and enable older persons to remain in good health and autonomous for as long as possible. Palliative care was intended to ensure a serene end for terminally ill patients.

3. Mrs. KRIES (Luxembourg) said that the dependency insurance scheme had been adopted because of the shortage of places in institutions catering for older persons and the increasingly heavy financial burden for the social security system of providing health-care services to the elderly, who represented a growing proportion of the population. Benefits under the dependency insurance scheme would replace the various allowances currently received by dependent persons. Contributions would be assessed according to income not only from work but also from the person's estate. The amount of the dependency benefit would be determined in relation to the particular needs of each dependent person and of the services that could be supplied in the home environment.

4. With regard to health care, it should be pointed out that all persons residing in Luxembourg were covered by the sickness insurance system. The State made contributions on behalf of persons who, for various reasons, including unemployment, could not contribute to the system.

5. Mr. CONSBRUCK (Luxembourg) said that the relatively high suicide rate (19.5 per 100,000) in a rich country like Luxembourg was evidence of a certain spiritual distress. It should, however, be emphasized that the rate was now somewhat lower than in the 1980s.

6. With regard to the consumption of so-called hard drugs, the Government was endeavouring to assess the scale of the problem in collaboration with the European Drugs Observatory. It was also fighting drug abuse by pursuing a policy of prevention, involving cooperation between the Ministry of Health and

the Ministry of Education, by strengthening action taken by social workers in the field with drug abusers, by supplying or exchanging syringes free of charge to prevent addicts from being contaminated with the AIDS virus and by providing persons who refused care with substitute products such as methadone or even, under a pilot project, heroin to ensure that heroin addicts no longer had any contact with the criminal world.

7. With regard to mental health, until the 1970s there had been only one psychiatric institution for the whole country. Since then, persons suffering from mental disorders had been directed towards the psychiatric services of hospitals and centres providing care and treatment according to the nature of their illness.

Articles 13 and 14

8. Mr. SADI said that paragraphs 92 to 94 of the report gave the impression that the State exercised extremely strict control over education, including private education. He would furthermore like to know whether religious education was compulsory.

9. Mr. AHMED asked whether religions other than Catholicism and Protestantism were taught in schools and whether children could attend courses in a religion of their own choosing. He also asked what was the school drop-out rate and what percentage of the overall State budget was devoted to education.

10. Mr. ANTANOVICH said he was amazed by the statement that 100 per cent of children attended school, and also asked what steps were being taken regarding education and training to help adults adapt to very rapid socio-economic change.

11. Mr. CEVILLE asked about the importance given to human rights teaching in the educational system and in the training of teachers and other civil servants.

12. Mr. RATTRAY asked whether the quality of education was the same in public and private schools and whether there were any differences between those two categories of institutions in terms of the pupils' social background.

13. The CHAIRPERSON noted from paragraph 98 of the report that the main purpose of secondary education was to prepare pupils for higher studies. He would like to know what happened to pupils who did not complete their secondary education.

14. Mr. WAGNER (Luxembourg) said that 90 per cent of pupils obtaining their secondary school diplomas went on to higher education. The remaining 10 per cent were not currently experiencing too much difficulty in finding work and some could obtain in-service training, particularly in the banking sector.

15. Technical secondary education prepared pupils for the technical and vocational aptitude certificate (middle cycle) and for the final technical secondary education diploma (higher cycle), with those holding such diplomas being able to pursue higher technical studies.

16. The centralization of the educational system was due to the small size of the Grand Duchy. To remedy that centralization, which was perhaps excessive, the Government was moving towards a policy aimed at granting more autonomy to the various actors of the educational system, thus enabling it to operate in a more flexible manner.

17. With regard to religious instruction, 90 per cent of pupils were Catholic. Given the increasing number of foreigners, the Government did not rule out the possibility of teaching other religions in schools.

18. The school drop-out rate, which was too high, was principally due to bilingual instruction (German and French) - or even trilingual instruction, if one also counted the Luxembourg language, which was taught in schools as from the primary level and posed problems for Luxembourg children as well as for foreign children. A working group had therefore been established recently to re-examine the methodology of language teaching.

19. With regard to spending on education, it was planned to devote about 12.5 per cent of the State budget to education in 1998.

20. On the question of access to education for adults, continuing education had long been a priority for the Government and employers' and workers' associations were very active in that field. The Ministry of Education had recently proposed a framework law aimed at reorganizing and strengthening continuing education to ensure that Luxembourg's labour force remained competitive.

21. Human rights were taught from the primary level onwards as part of courses of history, religious education and moral and social instruction. Human rights were also taught to future teachers during their training.

22. As to the quality of education, there seemed to be no difference between the private and public schools. They both provided the same education and prepared pupils for the same diplomas.

23. Mrs. JIMENEZ BUTRAGUEÑO said that, in the Committee's view, moral and social education and civic instruction did not really constitute human rights education. Did the Luxembourg educational system offer general training on issues such as discrimination, racism, equality between men and women, etc.? Was the teaching of Christian doctrine compulsory? In addition, what courses were available to retired persons?

24. Mr. AHMED said that he would like to know the school drop-out rates for boys and girls after the age of 15 years, which marked the end of compulsory schooling. Were computer science courses provided in schools and, if so, at what levels? For what reasons did some parents send their children to private schools?

25. Mr. SADI asked how such a small but centralized country as Luxembourg reconciled freedom of education and centralization. Was religious instruction compulsory for non-Catholics? What was the situation regarding the teaching of other religions? For what reasons did religious education figure in the public schools curriculum?

26. Mr. WAGNER (Luxembourg) replied that human rights education was an integral part of various courses and human rights lectures were sometimes given by jurists invited to speak at schools. Pupils had the choice between courses in Christian doctrine and courses of moral and social education, which essentially covered all religions.

27. With regard to older persons, there was no full university education for senior citizens but only a one-year course. A second year for some disciplines was being considered, together with a proposal for postgraduate education. Many people were invited to attend the continuing education courses offered in "second-chance schools by professional associations". With regard to school drop-out rate, 53 per cent of pupils had left school in the late 1980s without obtaining diplomas. Numerous reforms had been undertaken since 1990 to reverse that trend. Thought was also being given to reintroducing intermediate diplomas. However, pupils rarely left school at age 15. The problem was perhaps rather that pupils were too old when they left school. Computer science was taught in both general and technical secondary schools. All high schools had recently been connected to the Internet, but much still remained to be done to make a computer available to each pupil. It was difficult, after so many decades of centralization of the educational system, with its 65,000 pupils and 6,000 teachers and administrators, to delegate certain tasks to high schools.

28. Mr. ZAHLEN (Luxembourg) said that parents were free to choose non-public schools for their children and all the provisions set forth in article 13 of the Covenant were fully respected.

29. Mr. RIEDEL said that he would like to know what Luxembourg was doing to assist foreign students, particularly those from Asia, Africa and Latin America. What was the percentage of such students?

30. Mr KOUZNETSOV asked how it was possible to be certain, in the absence of relevant statistics, that the requirement for every child to attend school until age 15 was fully respected.

31. Mr. AHMED asked what disciplines - including the sciences and medicine - were taught at the university. Were there statistics on the number of Luxembourg civil servants who had also studied abroad and on the proportion of those who had studied only in Luxembourg? How many members of the delegation, for example, had studied abroad?

32. The CHAIRPERSON, speaking as a member of the Committee, asked whether there were any nomadic people living in Luxembourg. If so, were problems being encountered in the education of their children? What was Luxembourg doing in that regard? How was it ensuring the realization of the economic,

social and cultural rights of nomadic people? Why was the proportion of female primary school teachers so high? Lastly, why were there more girls than boys attending private schools?

33. Mr. WAGNER (Luxembourg) replied that schooling was compulsory up to the age of 15 years and no pupil could be exempted from that obligation. One could speak of academic failure to the extent that some pupils left school without diplomas, possibly because the guidance provided at schools left something to be desired. It had been decided to make an effort in that regard, both at the end of primary education and in secondary education.

34. Foreigners had access to the Luxembourg educational system, including the university, and could even receive grants. Their numbers were rather limited, however, because the university did not offer a complete syllabus and had no postgraduate facilities. There were two reasons for that: one was the fact that Luxembourg had only 400,000 inhabitants, and the other was the political will to encourage Luxembourg's young people to study in universities in Europe and even further field. He himself had studied to some extent in the United States and largely in France. The passage from a first year of higher education in Luxembourg to a second year of higher education abroad was made generally possible through the bilateral agreements concluded with a large number of foreign universities.

35. Regarding the breakdown of civil servants by sex and grade, the latest available statistics, dating from 1994, indicated that there were about 2,000 men and 900 women civil servants in higher-level posts. The high proportion of female primary teachers was due to the fact that such work perhaps interested women more than men, but also to the fact that women apparently prepared themselves better for the competitive examinations. Some parents chose to send their children to private schools not for reasons of prestige or elitism, but often because private schools had fewer pupils (10-12 per class), although the size of the classes in Luxembourg's public schools (generally 20-25 pupils) was still below the European average. Furthermore, there were not very many private high schools in Luxembourg, and one of them admitted only girls. The parents perhaps thought that their daughters would receive better guidance in a private school than in a public institution.

Article 15

36. Mr. PILLAY said that, in its statement of 22 July 1994, mentioned in the written replies, the Government of Luxembourg had given an open-ended definition of the concept of culture, including not only art in all its forms, but also an attitude of respect for the values of others. What was meant by "others" - other people of Luxembourg or aliens? If "others" also meant aliens, what was Luxembourg doing to promote the culture of "other" people, particularly minorities? Of the resident aliens in Luxembourg, who made up 30 per cent of the population, 90 per cent were from European Union countries. Where did the remaining 10 per cent come from?

37. Mrs. JIMENEZ BUTRAGUEÑO asked whether older persons could still remain active by making their experience available voluntarily to serve their country. Were there, as in some countries, technical advisers working on a

voluntary basis to assist small businesses? Were older persons entitled to price reductions for transport, admission to museums, etc.? Were there also reductions for young people and students? Were there many associations of older persons in Luxembourg? What was the situation regarding women's associations?

38. Mr. AHMED asked what television stations were accessible to Luxembourg citizens.

39. Mrs. BONOAN-DANDAN inquired whether there was any censorship in Luxembourg. In addition, what copyright legislation existed and were modern forms of production protected by the law?

40. The CHAIRPERSON, speaking as a member of the Committee, asked to what extent migrants could exercise their cultural rights in Luxembourg. Were there special classes for non-French-speaking children? What was the situation in regard to the teaching of minority languages and cultures?

41. Mr. DUHR (Luxembourg) said that access to cultural activities for retired persons was facilitated by a number of essentially financial measures - reduced prices for concerts, theatrical performances, etc., and also for transport. As to Luxembourg's cultural policy regarding foreigners, the largest national minority was the Portuguese community and the Governments of Luxembourg and Portugal had concluded several bilateral agreements to ensure that the integration of the Portuguese was accomplished without detriment to their national identity. Thus, while being able to learn the Luxembourg and French languages, for example, the Portuguese community continued to receive instruction in Portuguese. Its traditions, including folklore, were also preserved. Those agreements had been in operation for some time and appeared to be satisfactory to both Governments. Television, for its part, knew no borders. Luxembourg was privileged to be one of the main centres for the retransmission of foreign television programmes throughout Europe by the European Satellite Company. There were a number of Luxembourg language programmes, subsidized to a large extent by the State, as well as a wide variety of foreign stations. The quality of the programmes might be debatable, but the choice was very vast and reflected the cultural diversity of Luxembourg. Matters relating to copyright were governed by national legislation that was largely shaped by European Union law. In addition, there were the GATT agreements concluded at Marrakesh in 1994 (on trade-related aspects of intellectual property rights - TRIPs), which broadly speaking legalized the system of copyright. Luxembourg had a European legal system similar to that of almost all countries of the European Union, which differed from Anglo-Saxon law in the field of copyright. In Luxembourg, as elsewhere in Europe, the author had much greater control over his work and its marketing than in the United States. Lastly, with regard to his own training, he said that he had studied partly in the United States and mostly in France.

42. Mr. ZAHLEN (Luxembourg), replying first to an earlier question on copyright, said he could confirm that copyright provisions included computer software. The largest national communities in Luxembourg after the Portuguese community - which numbered about 30,000 - were the Cape Verde community (2,500), the community from the former Yugoslavia (2,500) and the North American community (1,500 approximately). There were a number of

commissions and councils at the national level, made up of citizens from the various nations represented in Luxembourg, among them the National Council for Aliens, the Special Standing Commission on Racial Discrimination and the Special Standing Commission on Cross-border Workers.

43. Mr. WAGNER (Luxembourg) said that for nomadic people, Luxembourg systematically offered courses in the Luxembourg language throughout the country, and many employers offered such instruction for their workers. In technical secondary education, nomad children had the possibility of joining French-speaking classes in various high schools. There was, of course, also a European school as well as an American school. Various measures had already been taken by the Government to assist nomadic people, but it was true that much still remained to be done. To obtain technical advice, small and medium-sized businesses could apply to the chambers of commerce and industry, which had special departments providing guidance. Such services were also available from some non-profit associations set up by former businessmen.

44. Mr. DUHR (Luxembourg) said that there was no censorship in Luxembourg, but any outrage or act incompatible with public order could give rise to prosecution.

45. Mr. ZAHLEN (Luxembourg), speaking on behalf of his delegation, said he wished to thank the Committee members for the very frank and extremely interesting dialogue established during the consideration of Luxembourg's second periodic report, and hoped that his delegation had replied as fully as possible to the questions raised.

46. The CHAIRPERSON thanked the delegation for its presentation of the report, which had been extremely enriching.

The public part of the meeting was suspended at 4.40 p.m. and resumed at 5.35 p.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (agenda item 5) (continued)

47. The CHAIRPERSON invited Mr. Kouznetsov and Mr. Riedel to report, respectively, on the work of the Human Rights Committee at its sixty-first session and the work of the Committee on the Elimination of Racial Discrimination at its fifty-first session.

48. Mr. KOUZNETSOV said that 140 States had acceded to the International Covenant on Civil and Political Rights, 92 to the first Optional Protocol thereto and 30 to the Second Optional Protocol. At its sixty-first session, the Human Rights Committee had considered the reports of Belarus, Iraq, Lithuania, Senegal and the Sudan. The session had been marked by two events warranting the attention of the Committee on Economic, Social and Cultural Rights. The first concerned the intention of the Democratic People's Republic of Korea to withdraw from the Covenant. In a letter sent to that country's permanent mission, the Committee had pointed out that such a withdrawal was not in keeping with the spirit of the Covenant, and had expressed the hope that the State party would reconsider its decision. The second event

Concerned the intention of Jamaica to withdraw from the first Optional Protocol to the Covenant, a decision described as regrettable by the Committee's Chairman.

49. Mr. MARCHAN ROMERO asked what reasons had been given by the two countries concerned to explain their decisions.

50. Mr. KOUZNETSOV said he was not in a position to answer that question, since he had not personally been involved in the work of the Human Rights Committee and had drawn his information from press releases.

51. Mr. RIEDEL said he had been more fortunate than Mr. Kouznetsov since, although he had not attended the fifty-first session of the Committee on the Elimination of Racial Discrimination, he had been able, through the secretariat, to obtain the summary records and report of that session. The Committee had considered the reports of 10 countries and, as customary, had drawn up concluding observations. It had welcomed the acceptance by Algeria and Poland of the procedure provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, the policy of integration of refugees and immigrants in Denmark, the creation of a post of ombudsman in Argentina and the establishment of a Sami parliament in Norway, but it had at the same time deplored the authorization of a Nazi radio station in Denmark, the persistence of violence in Burundi and the obstinate denial of the existence of racial discrimination in the Philippines. Three of the Committee's decisions were particularly noteworthy. The first concerned the general recommendation on indigenous people, according to which such people should be allowed to repossess their ancestral land or, if that was not possible, should be compensated not in monetary form but through the allocation of land. Secondly, the Committee had expressed the wish to hold some of its sessions in New York, since that would make it easier to reach the media in the United States. Lastly, the Committee had decided to cooperate in the preparations for a world conference against racism due to take place in 2001. He felt that the Committee on Economic, Social and Cultural Rights should consider the possibility of making its own contribution to those preparations.

The meeting rose at 6 p.m.